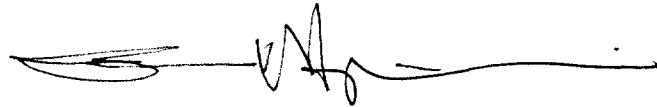


Quintero's claims suffer from another problem. His allegations raise a claim of ineffective assistance of appellate counsel. Quintero's claims of ineffective appellate assistance impugn the validity of his criminal conviction. A civil rights claim which indirectly challenges the validity of

a conviction cannot proceed unless the conviction has been invalidated. *Heck v. Humphrey*, 512 U.S. 477, 487 (1994). There is no showing Quintero's conviction has been overturned. *Heck* applies to claims for injunctive relief that imply the invalidity of a conviction or sentence. *Kutzner v. Montgomery County*, 303 F.3d 339, 340-41 (5th Cir. 2002). The holding in *Heck* bars Quintero's claims and his requests for relief. Quintero fails to state a claim recognized at law under *Heck*. This case will be dismissed.

The Texas Department of Criminal Justice will deduct 20% of each deposit made to the Quintero's inmate trust account and pay this to the court on a regular basis, provided the account exceeds \$10, until the remainder of the filing fee, \$350, is paid. The clerk will send a copy to the Inmate Trust Fund, P.O. Box 629, Huntsville, Texas 77342-0629, fax 936-437-4793.

Signed November 4, 2013, at Houston, Texas.

A handwritten signature in black ink, appearing to read 'Lynn N. Hughes', written over a horizontal line.

Lynn N. Hughes
United States District Judge